

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re

CITY OF DETROIT, MICHIGAN,

Debtor.

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Chapter 9

Case No. 13-53846

Hon. Steven W. Rhodes

**STIPULATION FOR AN ORDER REGARDING VOTING
OF CLAIMS RELATING TO THE 36TH DISTRICT COURT**

The City of Detroit, Michigan (the "City"), the 36th District Court, State of Michigan (the "36th District Court"), Local 917 and Local 3308 of the American Federation of State, County and Municipal Employees (the "AFSCME Locals"), Bobby Jones, Richard T. Weatherly, Roderick Holley and Carlton Carter (collectively, the "Individual Claimants" and, collectively with the City, the 36th District Court and the AFSCME Locals, the "Parties"), by and through each of their undersigned counsel, stipulate as follows:

1. On February 20, 2014, the Individual Claimants filed the following proofs of claim (collectively, the "Individual Claims") in the City's chapter 9 case asserting liabilities involving the 36th District Court:

- (a) Proof of claim number 1828 filed by Bobby Jones (the "Jones Claim") asserting general unsecured nonpriority liabilities in the amount of \$1,039,242.40;

- (b) Proof of claim number 1843 filed by Richard T. Weatherly (the "Weatherly Claim") asserting liabilities in the total amount of \$1,580,708.74 (consisting of \$1,568,233.74 in general unsecured nonpriority liabilities and \$12,475.00 in liabilities allegedly entitled to priority pursuant to section 507(a)(4) of title 11 of the United States Code (the "Bankruptcy Code"));
- (c) Proof of claim number 2280 filed by Roderick Holley (the "Holley Claim") asserting liabilities in the total amount of \$1,408,200.13 (consisting of \$1,395,725.13 in general unsecured nonpriority liabilities and \$12,475.00 in liabilities allegedly entitled to priority pursuant to section 507(a)(4) of the Bankruptcy Code); and
- (d) Proof of claim number 2281 filed by Carlton Carter (the "Carter Claim") asserting general unsecured nonpriority liabilities in the total amount of \$1,621,760.41.

2. On February 21, 2014: (a) the 36th District Court filed proof of claim number 2422 (the "36th District Court Claim") asserting contingent and unliquidated liabilities against the City; and (b) the AFSCME Locals filed proof of claim number 2841 (the "AFSCME Locals Claim" and, collectively with the Individual Claims and the 36th District Court Claim, the "Claims") asserting liabilities in the amount of \$8,747,322.44 on behalf of the AFSCME Locals' members and themselves arising from grievances, administrative actions and other legal proceedings that the AFSCME Locals commenced against the 36th District Court.

3. The AFSCME Locals Claim asserts, among other liabilities, the liabilities asserted in each of the Individual Claims. The AFSCME Locals Claim is, therefore, duplicative in part of the Individual Claims.

4. The Parties have reached the following agreement regarding the voting of the Claims:

- (a) The 36th District Court shall not be entitled to any vote with respect to the 36th District Court Claim;
- (b) Bobby Jones shall be entitled to vote the Jones Claim as an "Other Unsecured Claim" in Class 14 under the City's plan of adjustment (the "Plan") in the amount of \$1,039,242.40;
- (c) Richard T. Weatherly shall be entitled to vote the Weatherly Claim as an "Other Unsecured Claim" in Class 14 under the Plan in the amount of \$1,568,233.74;
- (d) Roderick Holley shall be entitled to vote the Holley Claim as an "Other Unsecured Claim" in Class 14 under the Plan in the amount of \$1,395,725.13;
- (e) Carlton Carter shall be entitled to vote the Carter Claim as an "Other Unsecured Claim" in Class 14 under the Plan in the amount of \$1,621,760.41; and
- (f) The AFSCME Locals shall be entitled to vote the AFSCME Locals Claim as an "Other Unsecured Claim" in Class 14 under the Plan in the amount of \$319,721.00.

5. The Parties have further agreed that the following shall be preserved: (a) all objections and other challenges to the Plan by the AFSCME Locals or the Individual Claimants; and (b) all arguments and defenses respecting the allowance or disallowance, in whole or in part, and the classification and

treatment of the Claims for the purposes of distributions under the Plan. Nothing herein or in any order approving this Stipulation shall constitute a waiver or admission of any such objection, challenge, argument or defense.

6. The Parties, therefore, request that the Court enter the proposed Order attached hereto as Exhibit 1 approving this Stipulation.

Dated: July 10, 2014

/s/ Robert D. Fetter

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ATTORNEYS FOR THE CITY

EXHIBIT 1

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:

CITY OF DETROIT, MICHIGAN,

Debtor.

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Chapter 9

Case No. 13-53846

Hon. Steven W. Rhodes

**ORDER REGARDING THE VOTING OF
CLAIMS RELATING TO THE 36TH DISTRICT COURT**

This matter coming before the Court on the Stipulation for an Order Regarding the Voting of Claims Relating to the 36th District Court (the "Stipulation")¹ filed jointly by the City of Detroit, Michigan (the "City"), the 36th District Court, State of Michigan (the "36th District Court"), Local 917 and Local 3308 of the American Federation of State, County and Municipal Employees (the "AFSCME Locals"), Bobby Jones, Richard T. Weatherly, Roderick Holley and Carlton Carter (collectively, the "Individual Claimants"); the Court having reviewed the Stipulation; the Court finding that (a) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and (b) this is a core proceeding pursuant to 28 U.S.C. § 157(b); and the Court being fully advised in the premises;

¹ Capitalized terms not otherwise defined herein have the meanings given to them in the Stipulation.

IT IS HEREBY ORDERED THAT:

1. The Stipulation is APPROVED.
2. The 36th District Court shall not be entitled to any vote with respect to the 36th District Court Claim.
3. Bobby Jones shall be entitled to vote the Jones Claim as an "Other Unsecured Claim" in Class 14 under the Plan in the amount of \$1,039,242.40.
4. Richard T. Weatherly shall be entitled to vote the Weatherly Claim as an "Other Unsecured Claim" in Class 14 under the Plan in the amount of \$1,568,233.74.
5. Roderick Holley shall be entitled to vote the Holley Claim as an "Other Unsecured Claim" in Class 14 under the Plan in the amount of \$1,395,725.13.
6. Carlton Carter shall be entitled to vote the Carter Claim as an "Other Unsecured Claim" in Class 14 under the Plan in the amount of \$1,621,760.41.
7. The AFSCME Locals shall be entitled to vote the AFSCME Locals Claim as an "Other Unsecured Claim" in Class 14 under the Plan in the amount of \$319,721.00.

8. The following shall be preserved: (a) all objections and other challenges to the Plan by the AFSCME Locals or the Individual Claimants; and (b) all arguments and defenses respecting the allowance or disallowance, in whole or in part, and the classification and treatment of the Claims for the purposes of distributions under the Plan. Nothing herein shall constitute a waiver or admission of any such objection, challenge, argument or defense.

CERTIFICATE OF SERVICE

I, Heather Lennox, hereby certify that the foregoing Stipulation for an Order Regarding Voting of Claims Relating to the 36th District Court was filed and served via the Court's electronic case filing and noticing system on this 10th day of July, 2014.

/s/ Heather Lennox